

The Honorable Ricardo S. Martinez

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

TROY COACHMAN,

Plaintiff,

vs.

SEATTLE AUTO MANAGEMENT, INC. dba
MERCEDES BENZ OF SEATTLE and AL
MONJAZEB

Defendants.

CASE NO.: 2:17-CV-00187-RSM

[PROPOSED] PRETRIAL ORDER

I. JURISDICTION

Jurisdiction is vested in this court by virtue of 28 U.S.C. § 1331. This Court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. § 1367.

II. CLAIMS AND DEFENSES

At trial, the Plaintiff will pursue against Defendant Seattle Auto Management Inc. d/b/a Mercedes Benz of Seattle ("hereinafter Mercedes Benz Seattle") claims of disability discrimination and failure to accommodate in violation of the Americans with Disabilities Act. Plaintiff will pursue claims against both Defendant Mercedes Benz Seattle and Al Monjazebe for

1 disability discrimination and failure to accommodate in violation of the Washington Law Against
2 Discrimination.

3 The Defendant Mercedes Benz of Seattle will pursue the following affirmative defenses
4 and/or claims:

5 1. After Acquired Evidence
6 2. Undue Hardship
7 3. Absence of an accommodation that would have permitted Plaintiff to perform
8 essential functions of his former position.
9

10 4. Plaintiff was not a qualified person with a disability.

11 5. Plaintiff rejected an unconditional job offer.

12 6. Plaintiff failed to mitigate damages, if any.

13 The Defendant Al Monjazez will pursue the following affirmative defenses and/or
14 claims:

15 1. After Acquired Evidence
16 2. Undue Hardship
17 3. Absence of an accommodation that would have permitted Plaintiff to perform
18 essential functions of his former position.
19

20 4. Plaintiff was not a qualified person with a disability.

21 5. Plaintiff rejected an unconditional job offer.

22 6. Plaintiff failed to mitigate damages, if any.
23

24 **III. ADMITTED FACTS**

25 The following facts are admitted by the parties:

26 1. Mr. Coachman began his employment with Phil Smart Mercedes in 2008.
27

2. Mercedes Benz Seattle acquired Phil Smart Mercedes in December 2011.

3. Al Monjazebe is the sole owner of Seattle Auto Management d/b/a Mercedes Benz Seattle.

4. Throughout his tenure with Mercedes Benz Seattle and its predecessor, Mr. Coachman worked as the Finance Director. His job involved supervising the finance department's regulatory compliance and deal making, as well as selling after-market financial and insurance products to Mercedes Benz customers.

5. In 2013 and 2014, Mr. Coachman generated a total of \$2,310,522.00 in sales.

6. Doctors diagnosed Mr. Coachman with vocal cord cancer in March 2014.

7. Mr. Coachman took an unpaid leave of absence from May 10 – July 12, 2014 to complete his cancer treatment.

8. Mr. Coachman returned to work on July 12, 2014.

9. In August 2014, Mr. Coachman's cancer returned.

10. Mr. Coachman requested medical leave from August 31 to November 10, 2014, for cancer treatment.

11. Mr. Coachman underwent a total laryngectomy on September 19, 2014. Surgeons removed his larynx, including his vocal cords.

12. Following his surgery, Mr. Coachman had a physical impairment, in that he no longer had vocal chords, that substantially limited one or more major life activities, including his ability to speak.

13. Mr. Coachman used a voice prosthetic to speak after his surgery.

14. On October 14, 2015, Mr. Coachman developed a wound at his surgical site. Doctors placed a feeding tube which was removed on October 31, 2014.

1 15. After his surgery, Mr. Coachman visited the dealership a number of times, but
2 before his medical team had authorized his return to work.

3 16. Mr. Coachman went to the emergency room on November 27, 2014 due to a
4 recurrence of the wound at his surgical site. Doctors again placed a feeding tube, which was
5 removed on December 18, 2015.

6 17. As a result of the wound at this throat, his medical team recommended that Mr.
7 Coachman minimize his speech in December 2014 so that his wound could heal.

8 18. Mr. Coachman notified the General Manager of his alleged release to return to
9 work via text message.

10 19. On December 30, 2014, Mr. Coachman received text messages from the General
11 Manager and the General Sales Manager. The managers notified Mr. Coachman that he would
12 need to meet with Defendant Monjazebe before he could return to work. A meeting never
13 occurred after December 30, 2014.

14 20. On January 1, 2015, Mr. Coachman sent a text message to Defendant Monjazebe
15 asking for a meeting to discuss his return to work. Defendant Monjazebe expressed a willingness
16 to meet with him the following week. A meeting never occurred after January 1, 2015.

17 21. On January 7, 2014, Defendant Monjazebe asked Ms. Lopez and Mr. Graham to
18 inform Mr. Coachman that his employment was terminated.

19 22. Defendants admit that one of the reasons they fired Mr. Coachman is because he
20 could not perform the essential function of speaking.

21 23. On February 11, 2015, Mr. Coachman began a temporary position working as a
22 sales manager and a finance manager for a Subaru dealership.

1 24. Mr. Coachman received a third cancer diagnosis in May 2015 when doctors
2 diagnosed a malignant mass in his lung. He underwent chemotherapy treatment which resulted
3 in significant nerve damage to his fingers called “polyneuropathy.”

4 25. Mr. Coachman became completely disabled from working due to cancer and
5 complications from his treatment.

6 26. Mr. Coachman does not seek recovery for lost wages for the period October 1,
7 2015 to present.
8

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10 **IV. DEFENDANTS’ ADDITIONAL FACTS**

11 1. Between May 10, 2014 and December 31, 2014, Mr. Coachman took more than
12 25 weeks of medical leave.

13 2. Mr. Coachman’s medical leave from Mercedes Benz Seattle was unpaid. While
14 on medical leave, Mr. Coachman received monthly disability payments of \$7,500.00 pursuant to
15 his disability policy with American Fidelity Assurance.

16 3. An application to the Social Security Administration, contains a statement
17 attributed to Mr. Coachman that he became completely disabled and unable to perform any work
18 as of April 30, 2015..
19

20 4. On March 20, 2015, Defendants offered Mr. Coachman employment..
21

22 **V. ISSUES OF LAW**

23 The following are the issues of law to be determined by the court. *Both parties request*
24 *resolution of questions 1, 2, and 3 below prior to the start of trial.*

25 1. Does an employer have a duty to engage in the interactive process and provide
26 reasonable accommodations for the known or obvious disabilities of its employees when it is the
27

1 employer – not the employee – who believes the disability will prevent the employee from
2 performing the essential functions of his job, pursuant to the Americans with Disabilities Act as
3 Amended?

4 2. May the jury consider Defendants’ evidence of “after acquired evidence”?

5 3. May the jury consider Defendants’ evidence of an “unconditional offer of
6 reinstatement”?

7 The following are the issues of law and fact to be determined by the jury:
8

9 4. Was Mr. Coachman’s disability a substantial factor in Defendant Mercedes
10 Benz’s decision to terminate his employment in violation of the Washington Law Against
11 Discrimination?

12 5. Did Defendant Mercedes Benz of Seattle terminate Troy Coachman’s
13 employment because of his disability in violation of the American Disabilities Act as Amended?

14 6. Did Defendant Mercedes Benz of Seattle violate the Americans with Disabilities
15 Act and/or the Washington Law Against Discrimination by failing to provide a reasonable
16 accommodation for the known disability of employee Troy Coachman?

17 7. If Defendant Mercedes Benz of Seattle did violate the American Disabilities Act
18 as Amended, did the company act with malice or reckless indifference to Troy Coachman’s right
19 to be free from discrimination because of his disability?
20

21 8. Was Mr. Coachman’s disability a substantial factor in Defendant Al Monjazez’s
22 decision to terminate Mr. Coachman’s employment in violation of the Washington Law Against
23 Discrimination?
24

9. Did Defendant Al Monjazebe violate the Washington Law Against Discrimination by failing to provide a reasonable accommodation for the known disability of employee Troy Coachman?

VI. EXPERT WITNESSES

The names and addresses of the expert witnesses to be used by each party at the trial and the issue upon which each will testify is:

ON BEHALF OF PLAINTIFF:

1. **Judy Clark**, SPHR, CPC, IPMA-CP (will testify)
7650 SW Beveland Street, Suite 130
Tigard, OR 97223.

Ms. Clark is certified as an expert in Human Resources practices and management and will testify regarding professional standards of human resource practices and the failure of Defendants to comply with industry standards as set forth in her report of April 4, 2018.

2. **Patricia N. Matteson**, MSW, (will testify)
Swedish Medical Center – Issaquah Campus
751 NE Blakely Drive
Issaquah, WA 98029

Ms. Matteson is an oncology social worker. She formed her opinions during treatment of Mr. Coachman from April 22, 2014 – September 21, 2016. Ms. Matteson will testify regarding the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

3. **Douglas McDaniel**, CPA, CFF, CVA, IAR, MBA, MA (IS) (will testify)
11100 NE 8th Street, Suite 400
Bellevue, WA 98004

Mr. Douglas is a certified public accountant. He will testify regarding economic damages as set forth in his report of April 4, 2018.

4. **Marie C. Repanich**, MS, CCC-SLP. (will testify)
University of Washington Medical Center
1959 NE Pacific Street
Seattle, WA 98195

Ms. Repanich is a Speech Language Pathologist. She formed her opinions during treatment of Mr. Coachman since October 2014. Ms. Repanich will testify regarding her work as a speech pathologist, her experience with return-to-work of patients recovering from laryngectomy

surgery, her treatment of Mr. Coachman, his ability to communicate, and his ability to return to work. Ms. Repanich may testify regarding the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

5. **Carol Ann Stimson**, ARNP (will testify)
University of Washington Medical Center
1959 NE Pacific Street
Seattle, WA 98195

Ms. Stimson is a Nurse Practitioner. She formed her opinions during treatment of Mr. Coachman from approximately September 2014 to March 2015. ARNP Stimson will testify regarding her treatment of Mr. Coachman, her experience with return-to-work of patients recovering from laryngectomy surgery, her observations of Mr. Coachman, his course of treatment, and his return-to-work date, and his ability to return to work. ARNP Stimson may testify regarding the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

ON BEHALF OF DEFENDANTS:

None.

VII. OTHER WITNESSES

The names and addresses of witnesses, other than experts, to be used by each party at the time of trial and the general nature of the testimony of each are:

ON BEHALF OF PLAINTIFF:

1. **Diane Baldwin** (will testify)
Sales Manager Walkers Subaru/Mazda Renton
22558 SE 13th St
Sammamish WA 98075
206-245-3054

Ms. Baldwin will be called to testify regarding Mr. Coachman's ability to perform the essential functions of his position in subsequent employment shortly after his termination from Mercedes Benz Seattle.

2. **Wendy Borgert** (will testify)
Finance Director Walkers Subaru/Mazda Renton
22558 SE 13th St
Sammamish WA 98075
206-245-3054

Ms. Borgert will be called testify regarding Mr. Coachman's ability to perform the essential functions of his position in subsequent employment shortly after his termination from Mercedes Benz Seattle.

3. **Shirley Bunton** (will testify)
542 N Second St
Wellsville MO 63384
206-384-6217

Ms. Bunton will be called to testify regarding her observations of Mercedes Benz Seattle management and her knowledge of the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

4. **Sarah Campbell** (will testify via deposition)
American Fidelity Assurance,
Assistant VP in Claims Dept
Oklahoma City, Oklahoma.

Ms. Campbell is the corporate designee of the disability insurance carrier. She will be called to testify regarding the loss of disability benefits and disqualification for benefits proximately caused by Mr. Coachman's termination from Mercedes Benz Seattle. She will also be called to authenticate certain business records of communications with Mercedes Benz Seattle employees.

5. **Kris Capps** (possible witness only)
Former Finance Manager
6574 Schuett Lane
Bremerton WA 98312
360-710-3955; 360-692-2331

Mr. Capps may be called to testify regarding Mr. Coachman's medical leave, return to work, and his observations at the car dealership.

6. **Troy Coachman** (will testify)
c/o Frank Freed Subit & Thomas
705 Second Avenue, Suite 1200
Seattle, WA 98104-1798

206 682-6711

Mr. Coachman is the Plaintiff in this matter and will testify as to the facts at issue in the Complaint and Answer.

7. **Sonya Costa** (possible witness only)
14022 111th Ave E
Puyallup WA 98274
253-691-8584

Ms. Costa may be called to testify regarding Mr. Coachman's personal history and her knowledge of the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

8. **Joy Edwards** (possible witness only)
Temporary Finance Manager
PO Box 4026
Everett WA 98204
425-417-3623

Ms. Edwards may be called to testify regarding Mr. Coachman's medical leave, return to work, and her observations at the car dealership.

9. **Jason Graham** (will testify)
Former General Manager
4533 NE 55th St Bldg B
Seattle WA 98105
360-600-5288

Mr. Graham will be called to testify regarding Mr. Coachman's job performance, medical leave, return to work, and termination.

10. **Brandon Kindle** (possible witness only)
Former Sales Consultant
4226 N Cheyenne St
Tacoma, WA 98407
310-709-8345

Mr. Kindle may be called to testify regarding Mr. Coachman's medical leave, return to work, and his observations at the car dealership.

11. Mercedes Benz of Seattle (**Samantha Hicks 30(b)(6) Designee**) (will testify via deposition)
Business Manager
C/o Sheryl Willert
Williams Kastner
601 Union Street, Suite 4100
Seattle, WA 98101-2380
206-628-2408

Samantha Hicks is the corporate designee of Defendant Mercedes Benz Seattle. She will be called to testify regarding Mr. Coachman's medical leave, return to work, and termination, Mercedes Benz Seattle's human resources policies, practices, and procedures, and Mercedes Benz Seattle's finances.

12. **Allison Leahy**, RN, (possible witness only)
Seattle Cancer Care Alliance
825 Eastlake Ave. E.
Seattle, WA 98109

Ms. Leahy is a Registered Nurse. She may be called to testify regarding the completion of return-to-work paperwork by Dr. Eduardo Mendez. She may also be called to authentic certain business records of Seattle Cancer Care Alliance including patient communication notes and Attending Physician Statements.

13. **Delores Lopez** (possible witness only)
Former HR Director of Mercedes Benz of Seattle
8222 82nd St NE
Marysville WA 98270
916-367-8683

Ms. Lopez may be called to testify regarding Mr. Coachman's medical leave, return-to-work, and termination.

14. **Marci Miller** (possible witness only)
15548 417th Pl SE
North Bend WA 98045
206-399-9213

Ms. Miller is a former customer of Mercedes Benz Seattle. She may be called to testify regarding Mr. Coachman's job performance, his ability to perform the essential functions of his position after his January 2, 2015 medical release to return to work, and her knowledge of the emotional impact of Mr. Coachman's termination from Mercedes Benz Seattle.

15. **Al Monjaze** (will testify)
C/o Sheryl Willert
Williams Kastner
601 Union Street, Suite 4100
Seattle, WA 98101-2380
206-628-2408

Mr. Monjaze will be called to testify regarding Mr. Coachman's medical leave, return to work, and termination.

16. **John Ramstetter** (possible witness only)
Former General Sales Manager
4875 South Monaco # 406
Denver CO 80237
206-412-5940

Mr. Ramstetter may be called to testify regarding Mr. Coachman's medical leave, return to work, and observations at the car dealership.

17. **Kamala Saxton** (will testify)
6445 Hampton Rd S
Seattle WA 98118
206-390-8591

Ms. Saxton will be called to testify regarding her knowledge of the emotional impact of Mr. Coachman's termination from Mercedes Benz of Seattle and her observations of Mr. Coachman's disabling condition subsequent to his termination.

19. **Christine Watson** (possible witness only)
21636 SE 35th St
Sammamish WA 98075
425-246-3445

Ms. Watson may be called to testify regarding her knowledge of the emotional impact of Mr. Coachman's termination from Mercedes Benz of Seattle.

20. **Kathy Kindberg** (possible witness only)
705 Second Ave, suite 1200
Seattle, WA 98104
206-682-6711

Ms. Kindberg is a paralegal with the firm Frank, Freed, Subit & Thomas LLP. She may be called to testify regarding the authenticity and accuracy of certain summary exhibits and may be called to testify regarding her investigation and interview of witnesses who may testify at trial.

21. **David Loeser** (possible witness only)
705 Second Ave, suite 1200
Seattle, WA 98104
206-682-6711

Mr. Loeser is a former paralegal with the firm Frank, Freed, Subit & Thomas LLP. He may be called to testify regarding his investigation and interview of witnesses who may testify at trial.

22. **William Kim** (possible witness only)
705 Second Ave, suite 1200
Seattle, WA 98104
206-682-6711

Mr. Kim is a former investigator with the firm Frank, Freed, Subit & Thomas LLP. He may be called to testify regarding his investigation and interview of witnesses who may testify at trial.

1 NOTE: Plaintiff reserves the right to call at trial any witness designated by Defendants.

2 **ON BEHALF OF DEFENDANT:**

3 Defendants reserve the right to call at trial any witness identified by Plaintiffs and/or any
4 witness who has been disclosed during deposition discovery. Defendants reserve the right to
5 amend this Witness List at any time up to and including the time of trial.
6

7 **Witnesses Who Defendants Will Call to Testify**

8 **1. Al Monjaze**
9 c/o Williams, Kastner & Gibbs PLLC
10 601 Union Street, Suite 4100
11 Seattle, WA 98101
12 206-628-6600

13 Mr. Monjaze will offer live testimony regarding certain aspects of this case including
14 but not limited to Defendant Seattle Auto Management, Inc.'s policies against discrimination;
15 retaliation and harassment; Plaintiff's job responsibilities and duties; Plaintiff's medical leave;
16 Plaintiff's inability to communicate and perform the essential functions of his position;
17 Defendants' offer of reinstatement; the Company's organization, sales performance, and
18 commission plans; and the facts and circumstances of the claims alleged in Plaintiff's complaint.

19 **2. Jason Graham**
20 4533 NE 55th Street, Bldg B
21 Seattle, WA 98105
22 360-600-5288

23 Mr. Graham will offer testimony live or via deposition regarding certain aspects of this
24 case including but not limited to Defendant Seattle Auto Management, Inc.'s policies against
25 discrimination, retaliation, and harassment; Plaintiff's job responsibilities and duties; Plaintiff's
26 medical leave, Plaintiff's inability to communicate and perform the essential functions of his
27

position; the Company's organization, sales performance, and commission plans, and the facts and circumstances of the claims alleged in Plaintiff's complaint.

3. Samantha Hicks
2013 SE Aberdeen Place
Renton, WA 98055
206-859-0908

Ms. Hicks will offer live testimony regarding certain aspects of this case, including but not limited to Defendant Seattle Auto Management, Inc.'s policies against discrimination; retaliation and harassment; Plaintiff's job responsibilities and duties; Plaintiff's medical leave; Plaintiff's inability to communicate and perform the essential functions of his position; Defendants' offer of reinstatement; the Company's organization, sales performance, and commission plans; and the facts and circumstances of the claims alleged in Plaintiff's complaint.

Ms. Hicks may also offer live testimony and testimony via deposition as Seattle Auto Management d/b/a Mercedes Benz Seattle's Corporate 30(b)(6) designee.

4. Cynthia Harper
10000 Main St Unit 408
Bellevue, WA 98004
206-618-3593

Ms. Harper will offer live testimony regarding certain aspects of this case, including but not limited to her interactions with the Plaintiff in 2015.

5. Tia Deon
4011 167th Dr. S.W.
Lynnwood, WA 98037

Ms. Deon will offer live testimony regarding certain aspects of this case, including but not limited to her interactions with the Plaintiff in 2015.

6. Erick Thund
17416 N.E. 119th Way
Redmond, WA 98052

1 Mr. Thund will offer live testimony regarding certain aspects of this case, including but
2 not limited to his interactions with the Plaintiff in 2015.

3 **7. Brad Engelbrecht**
4 Former Owner of Car People, Inc.
206-818-9900

5 Mr. Engelbrecht is the former owner of Car People, Inc. Mr. Engelbrecht will offer live
6 testimony regarding certain aspects of this case, including but not limited to the business and
7 operations of Car People, Inc.

8 **8. Troy Coachman**
9 c/o Frank Freed Subit & Thomas
10 705 2nd Avenue, Suite 1200
Seattle, WA 98104

11 Mr. Coachman is the Plaintiff in this case. He may offer live testimony regarding his
12 employment at Mercedes Benz of Seattle.

13
14 **Witnesses Who Defendants May Call to Testify**

15 **9. Delores Lopez**
16 8222 82nd Street NE
17 Marysville, WA 98270
916-367-8683

18 Ms. Lopez may offer live or deposition testimony regarding certain aspects of this case,
19 including but not limited to Defendant Seattle Auto Management, Inc.'s policies against
20 discrimination; retaliation and harassment; Plaintiff's job responsibilities and duties; Plaintiff's
21 medical leave; Plaintiff's inability to communicate and perform the essential functions of his
22 position; Defendants' offer of reinstatement; the Company's organization, sales performance,
23 and commission plans; and the facts and circumstances of the claims alleged in Plaintiff's
24 complaint.
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10. **Kris Capps**

6574 Schuett Lane
Bremerton, WA 98312
360-710-3955; 360-692-2331

Mr. Capps may offer live testimony regarding certain aspects of this case, including but not limited to Defendant Seattle Auto Management, Inc.'s policies against discrimination; retaliation and harassment; Plaintiff's job responsibilities and duties; Plaintiff's medical leave; Plaintiff's inability to communicate and perform the essential functions of his position; Defendants' offer of reinstatement; the Company's organization, sales performance, and commission plans; and the facts and circumstances of the claims alleged in Plaintiff's complaint.

11. **John Ramstetter**

2929 1st Avenue, Apt 1119
Seattle WA 98121
206-412-5940

Mr. Ramstetter may offer live testimony regarding certain aspects of this case including but not limited to Defendant Seattle Auto Management, Inc.'s policies against discrimination; retaliation and harassment; Plaintiff's job responsibilities and duties; Plaintiff's medical leave; Plaintiff's inability to communicate and perform the essential functions of his position; Defendants' offer of reinstatement; the Company's organization, sales performance, and commission plans; and the facts and circumstances of the claims alleged in Plaintiff's complaint.

12. **Amy Topping**

1330 SW 10th Street
North Bend, WA 98045
206-854-4807

Ms. Topping may offer live testimony regarding certain aspects of this case, including but not limited to Defendant Seattle Auto Management, Inc.'s policies against discrimination, retaliation, and harassment; Plaintiff's job responsibilities and duties; Plaintiff's employment and

1 personnel records, Plaintiff's performance and evaluations; the Company's organization, sales
2 performance, commission plans, job descriptions, policies and procedures; and the facts and
3 circumstances of the claims alleged in Plaintiff's complaint.

4 **13. Andrew Argosino**
5 206-910-6809

6 Mr. Argosino may offer live testimony regarding certain aspects of this case, including
7 but not limited to Plaintiff's job responsibilities and duties; Plaintiff's performance and
8 evaluations, and the facts and allegations in the Complaint.

9 **14. Renee Richter**
10 206-604-1877

11 Renee Richter may have discoverable information regarding Plaintiff's medical records,
12 requests for leave and disability benefits.

13 **15. Anetha Baccetti**
14 1133 Lake Washington Blvd N
15 Unit F309
16 Renton, WA 98056
17 206-715-2857

18 Ms. Pascual may be called to testify regarding her interactions with Mr. Coachman when
19 they worked together.
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VIII. EXHIBITS

Ex. No. (Orig)	Ex. No. (New)	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	ADMITTED
P-1.	1.			Timeline [Fed. R. Evid. 1006]			X	
P-2.	2.			Photo: Troy Coachman		X		
P-3.	3.	7/6/00		EEOC Guidance - FMLA, ADA, and Title VII (2000)		X		
NEW	4.	9/1/06		F&I Legal and Ethical Standards Certification presented to Troy Coachman		X		
P-4.	5.	5/30/08	AFA00039 2 - 414	Certificate of Insurance: Group Disability Income Benefits	X			
P-5.	6.	6/1/08	AFA00030 2-358	Certificate of Insurance: Limited Benefit Specified Disease Cancer Expense Policy	X			
P-6.	7.	1/1/11	AFA00041 8-452	Certificate of Insurance: Group Disability Income Benefits Policy	X			
P-7.	8.	5/13/11		Photo: Phil Smart Advertisement featuring Coachman			X	
NEW	9.	12/28/11	MBS00008 9	Coachman Acknowledgment of Termination – Phil Smart [Timeline]		X		
P-8.	10.	12/29/11		Photo: Phil Smart & New Owner Al Monjazez			X	
P-9.	11.	2012	MBS00033 5	Resume: Lopez		X		
P-10.	12.	2012	TC000262	Mercedes Master Certified Certificate of Achievement: Coachman			X	
P-11.	13.	02/28/12	MBS00009 0 -92	MBS Application for Employment: Coachman [Timeline]	X			
P-12.	14.	2/29/12	MSB00005 1	Employee Pay Plan – Finance Managers		X		
P-13.	15.	01/08/13	MBS00074 8-756	Gross Revenue Report - Coachman (1/8/13 - 8/30/14)		X		
P-14.	16.	01/16/13	MBS00008 1	Employee Handbook Receipt & Acknowledgment: Coachman	X			
P-15.	17.	Feb. 2013		Employee Handbook	X			
NEW	18.	2014		Photo: Eduardo Mendez, MD			X	
P-17.	19.	1/12/14		Photo: Coachman 50th Birthday		X		
P-18.	20.	02/19/14	MBS00003 6	Payroll Status Change Form: Coachman [Timeline]	X			
NEW	21.	4/1/14	SMC00012	Swedish Medical Center, Surgical		X		

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Ex. No (Orig)	Ex. No. (New)	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	ADMITTED
			0	Pathology Report [Timeline] CONFIDENTIAL				
NEW	22	4/22/14	TC000222	Attending Physician's Statement (RTW: 8/1/2014) [Timeline]		X		
P-19.	23.	05/10/14	MBS000282	Employer's Report of Claim – AFA [Timeline]		X		
P-20.	24.	07/07/14	AFA000019	Call record - AFA to Lopez		X		
P-21.	25.	07/17/14	AFA000022	Call record - Lopez to AFA		X		
P-22.	26.	07/17/14	AFA000021	Call record - AFA to Lopez		X		
NEW	27.	8/6/2014	MBS000301	UW Medicine Report of Pathology – recurrence of cancer [Timeline] CONFIDENTIAL		X		
P-23.	28.	08/30/14		Photo: Coachman and Friends		X		
NEW	29.	8/31/14	AFA000063	Attending Physician's Statement (RTW: 11/10/2014)[Timeline]		X		
P-24.	30.	09/01/14	AFA000060-64	Disability Claim Form: Coachman [Timeline]		X		
P-25.	31.	09/03/14	MBS000277	Attending Physician's Statement (RTW 11/10/14)		X		
P-26.	32.	09/03/14	TC000293-294; TC000315-318; TC000320-321; TC000323	Journal of Shirley Bunton (excerpted 9/3/2014-11/28/2014) [Timeline]			X	
P-27.	33.	09/04/14	SCCA 000023	Seattle Cancer Care Alliance - Patient Communication		X		
NEW	34.	9/16/14	UWMC 000592	UWMC medical records, admission to hospital [Timeline] CONFIDENTIAL		X		
P-28.	35.	09/17/14		Photo: Coachman and sister in hospital		X		
P-29.	36.	09/17/14		Photo: Coachman in hospital with whiteboard		X		
P-30.	37.	09/19/14	MBS000281	Email: Lopez to Johnson re electrolarynx		X		
P-31.	38.	10/10/14	MBS000133	MBS Business Attire & Appearance Policy		X		

[PROPOSED] PRETRIAL ORDER -20-
(2:17-CV-00187)FRANK FREED
SUBIT & THOMAS LLP
Suite 1200 Hoge Building, 705 Second Avenue
Seattle, Washington 98104-1798
(206) 682-6711

Ex. No (Orig)	Ex. No (New)	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	ADMITTED
P-32.	39.	10/10/14	AFA000028	Call record - AFA to Lopez		X		
NEW	40.	10/14/14	UWMC 000312	UWMC medical record, Repanich [Timeline] CONFIDENTIAL		X		
NEW	41.	10/14/14	UWMC 000305	UWMC medical record, Stimson [Timeline] CONFIDENTIAL		X		
P-33.	42.	10/24/14	AFA000029	Call Record - AFA to Diana		X		
NEW	43.	10/31/14	UWMC 00295	UWMC medical record, Stimson [Timeline] CONFIDENTIAL		X		
P-34.	44.	11/11/14	MBS000308	Letter: AFA to Coachman, Lopez re eligibility for benefits		X		
P-35.	45.	11/15/14	AFA000078	Request for Continuing Disability Benefits - AFA - Supplemental		X		
P-36.	46.	Nov. 2014		Photo: Thanksgiving 2014		X		
P-37.	47.	11/17/14	AFA000079-80	Attending Physician's Statement (with Fax cover sheet): (RTW 12/31/14) [Timeline]		X		
NEW	48.	11/19/14	SCCA 000076	Attending Physician's Statement (RTW 12/13/14) [Timeline]		X		
NEW	49.	11/27/14	UWMC 000269	UWMC medical record, ER Visit [Timeline] CONFIDENTIAL		X		
NEW	50.	12/2/14	UWMC 000248	UWMC medical record, Repanich, [Timeline] CONFIDENTIAL		X		
P-38.	51.	12/04/14	SCCA 000020	Seattle Cancer Care Alliance - Patient Communication		X		
NEW	52.	12/2/14	UWMC 000253	UWMC medical record, Stimson [Timeline] CONFIDENTIAL		X		
NEW	53.	12/4/14	SCCA 000017	SCCA medical record, Mendez CONFIDENTIAL		X		
P-39.	54.	12/05/14	Monj Ex. 1	Check Stub w/handwritten note Monjazebe to Coachman	X			
NEW	55.	12/18/14	SCCA 000013-16	SCCA medical record, Mendez [Timeline] CONFIDENTIAL		X		
NEW	56	12/18/14	SCCA 000075-78	SCCA Attending Physician Statements [Timeline]		X		
P-40.	57.	12/18/14	AFA000081-82	Attending Physicians Statement (with Fax cover sheet): RTW 1/2/2015 [Timeline]		X		
P-41.	58.	12/29/14	TC000021-22	Text Messages: Coachman -- Graham (12/29/14-1/2/15) [Timeline]		X		

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Ex. No (Orig)	Ex. No. (New)	Date	Bates No.	Description	Admissibility Stipulated	Authenticity Admitted Admissibility Disputed	Authenticity and Admissibility Disputed	ADMITTED
P-42.	59.	12/30/14	TC000039-40	Text Messages: Coachman -- Ramstetter (12/30/14-1/14/15) [Timeline]		X		
P-43.	60.	12/30/14	MBS000020	Email: Lopez to Graham re: Coachman w/handwritten notes		X		
P-44.	61.	12/31/14	AFA000154	Explanation of Disability Benefits [Timeline]		X		
P-45.	62.	12/31/14	MBS000725	2014 Dealer Financial Statement		X		
P-46.	63.	1/1/15	TC000020	Text Messages: Coachman - Monjazebe (1/1/15) [Timeline]	X			
P-47.	64.	1/5/15	AFA000002	Call record - AFA to Coachman		X		
P-48.	65.	1/6/15	TC000001	Email: Coachman to Lopez / Watson [Timeline]	X			
NEW	66.	1/7/15	UWMC 000243	UWMC medical record, Repanich [Timeline] CONFIDENTIAL		X		
P-49.	67.	1/7/15	MBS000022	Email: Monjazebe to Lopez, Graham re: Coachman termination [Timeline]		X		
P-50.	68.	1/8/15	MBS000021	Email: Lopez to Coachman re employment termination (9:28 am) [Timeline]	X			
P-51.	69.	1/8/15	TC000002-8	Email: Lopez to Coachman re leave of absence	X			
P-52.	70.	1/20/15		Meet our Staff: Mercedes Benz Seattle			X	
P-53.	71.	1/20/15	TC000541-551	Text Messages: Coachman - Borgert - (1/20-4/23/15)		X		
P-54.	72.	Feb. 2015	TC000422-23	Resume: Coachman		X		
P-55.	73.	2/6/15	WRS 000001-19	Walkers Renton Subaru: Coachman Personnel and Payroll File [Timeline]		X		
NEW	74.	February 2015		Photo - Renton Walker Subaru		X		
P-56.	75.	2/13/15		Letter: Bloom to Monjazebe re: litigation hold		X		
P-57.	76.	2/15/15		Photo: Coachman with Subaru Client		X		
P-58.	77.	2/18/18	AFA000004	Call record: AFA to Coachman		X		
P-59.	78.	2/18/15	AFA000003	Call record: AFA to Lopez		X		
P-60.	79.	2/19/15	AFA000005	Call record: AFA, Lopez re Coachman termination [Timeline]		X		

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P-61.	80.	3/11/15		Photo: Photo Coachman and Sandy Johnson and Sonya Costa (sister) in Cabo Mexico	X			
NEW	81.	5/14/15	SMC 000631	Swedish Medical Center, Surgical Pathology Report [Timeline] CONFIDENTIAL		X		
P-62.	82.	6/1/15	TC000087-88	W2 Form – Subaru 2015	X			
P-63.	83.	10/04/15		Photo: Coachman with Sister		X		
P-64.	84.	12/31/15	MBS000726	2015 Dealer Financial Statement		X		
NEW	85.	2/5/16	SMC000107	Swedish Medical Group, chemotherapy induced neuropathy [Timeline] CONFIDENTIAL		X		
P-65.	86	5/12/16		When Is Leave a Reasonable ADA Accommodation (SHRM)			X	
P-66.	87	12/31/16	MBS000727	2016 Dealer Financial Statement		X		
P-67.	88.	12/31/17	MBS000728	2017 Dealer Financial Statement		X		
P-68.	89.	2018		Photo: Coachman current		X		
P-69.	90.	3/1/18	TC000757-774	Curriculum Vitae: Judy Clark excerpted		X		
P-70.	91.	3/12/18		Photo: MBS Finance Office			X	
P-71.	92.	3/12/18		Photo: MBS Finance Office II			X	
P-72.	93.	3/12/18		Photo: Al Monjazebe Office			X	
P-73.	94.	3/12/18		Photo: MBS Dealership Floor			X	
P-74.	95.	3/12/18		Photo: MBS Exterior			X	
P-75.	96.	3/12/18		Photo: White & Red Mercedes			X	
P-76.	97.	3/12/18		Photo: White Mercedes			X	
P-77.	98.	3/12/18		Photo: Blue Mercedes			X	
P-78.	99.	3/12/18		Photo MBS New Store exterior			X	
P-79.	100.	3/12/18		Photo: MBS Customer waiting area			X	
P-80.	101.	4/4/18		Curriculum Vitae: Douglas McDaniel		X		
P-81.	102.	8/24/18		Mercedes Benz - The best or nothing			X	
P-82.	103.	8/24/18		MBS - Loyalty Webpage			X	
P-83.	104.	8/24/18		Video: Best of Ned Gerblansky https://youtu.be/zw8IWjnVDO4			X	
P-84.	105.	8/24/18		Video: Video Ned Gerblansky - Lost Voice Box http://southpark.cc.com/clips/151264/t			X	

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				hat-things-funny				
P-85.	106.	8/24/18		Video: Debi Austin https://youtu.be/wAaGbsHBacE			X	
A-1			TC0001	Email dated January 6, 2015 from Troy Coachman to Christine Watson	X			
A-2			TC0002-4	Email string dated January 8, 2015 between Dee Lopez and Troy Coachman	X			
A-3			TC0004-8	Email string dated December 31, 2014 through January 7, 2015 between Dee Lopez and Troy Coachman re Insurance	X			
A-4			TC0017	Email dated January 20, 2015 from Marci Miller to Troy Coachman		X		
A-5			TC0096-115, 117-124	Troy Coachman Job Search Log for Washington State Employment Security Department		X		
A-6			TC0133	Holiday bonus with handwritten notation	X			
A-7			TC0450	Zurich 2014 retro payment to Troy Coachman		X		
A-8			TC0457-462	Troy Coachman application for Social Security Administration Disability benefits dated November 20, 2015		X		
A-9			TC463-472	Social Security Administration Function Report dated December 14, 2015		X		
A-10			TC0477-490	Emails from Tricia Matteson, MSW		X		
A-11			MBS0015-18	Craigslist listings for finance manager			X	
A-12			MBS0020-0103	Excerpts of Troy Coachman personnel file		X		
A-13			MBS0104	Argosino Resignation Letter			X	
A-14			MBS0108	Andrew Argosino Payroll/Status Change Notice dated October 8, 2014		X		
A-15			MBS0220-221	Joyce Edwards application for employment dated August 18, 2014	X			
A-16			MBS0238	Joyce Edwards resignation note dated September 30, 2014			X	
A-17			MBS0343	Email dated February 25, 2015 from		X		

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				Renee Richter to Dee Lopez				
A-18			MBS0337-342	Christopher Reade personnel file			X	
A-19			MBS0344-383	J & L Holdings and Seattle Auto Management Employee Handbook	X			
A-20			MBS0729-738	Premium payment to American Fidelity Assurance Company – period January 1, 2015			X	
A-21			MBS739-747	Premium payment to American Fidelity Assurance Company – period February 1, 2015			X	
A-25				Text messages between Marci Miller and Troy Coachman, exhibit 1 to Marci Miller deposition		X		
A-26			TC0011	Email dated January 19, 2015 from Marci Miller to Troy Coachman, exhibit 4 to Marci Miller deposition.		X		
A-27				Email string re ML Service, exhibit 3 to Christine Watson Deposition		X		
A-28				Email string re Friends & Family Preview of Good Bar, exhibit 7 to Christine Watson deposition		X		
A-29				Email string re Dates, exhibit 11 to Christine Watson deposition	X			
A-30			UWMC057 7-579, 0349-351, 0633-634, 0639-641, 0322-324, 0306-307, 0300-301, 0295-296, 0253-257	Carol Anne Stimson, ARNP treatment notes dated 9/9/14, 9/22/14, 9/26/14, 9/29/14, 10/10/14, 10/14/14, 10/22/14, 10/31/14, 12/214 CONFIDENTIAL		X		
A-31			UWMC03 12-316, 0248-252, 0243-247, 0227-231, 0222-226, 0217-221,	Marie Repanich, SLP treatment notes dated 10/14/14, 12/2/14, 1/7/15, 3/4/15, 3/31/15, 5/26/15, 6/12/15, 7/2/15, 7/24/15, 9/28/15, 2/17/16, 4/20/16, 5/2/16, 6/1/16, 7/19/16, 8/11/16, 9/13/16, 10/19/16, 11/18/16, 12/8/16, 1/23/17, 2/17/17, 3/15/17, 4/13/17, 5/8/17, 8/9/17, 9/1/17		X		

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			0212-216, 0207-211, 0202-206, 0197-201, 0167-171, 0162-166, 0157-161, 0152-156, 0147-151, 0142-146, 0137-141, 0132-136, 0127-131, 0122-126, 0117-121, 0102-106, 0098-101, 0093-97, 0088-92, 0073-77, 0068-72	CONFIDENTIAL				
A-32			SCI0080, 0149-150, 0162, 0163, 0164-165, 0166, 0167, 0175-176, 0183, 0185, 0214, 0314-315, 0489-490	Patricia Matteson, MSW treatment notes dated 4/22/14, 8/18/14, 1/16/15, 1/22/15, 1/29/15, 2/25/15, 2/26/15, 3/26/15, 5/7/15, 5/8/15, 5/18/15, 6/5/15, 8/28/15, 9/21/16 CONFIDENTIAL		X		
A-33			TC551; 536-537	Text message between Troy Coachman and Wendy Bogert		X		
A-34				West Resignation Letter			X	
A-35			SSA0001-309	SSA Documents for Troy Coachman CONFIDENTIAL		X		
A-36				Offer of Reinstatement				
A-37			TC000556-627	Text messages between Troy Coachman and Brandon Kindle				

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IX. DEPOSITION DESIGNATIONS

Defendants and Plaintiff may use portions of deposition transcripts at trial. The parties have exchanged deposition designations pursuant to LCR 32(e). Plaintiff intends to call Jason Graham and Dee Lopez via live testimony. Service of trial subpoenas is in process. He reserves the right supplement deposition designations to include witnesses Graham and Lopez in the event they cannot be served. Video depositions are available upon request.

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X. ACTION BY THE COURT

This case is scheduled for trial before a jury on October 1, 2018. Trial briefs shall be submitted to the court on or before September 26, 2018. Jury instructions requested by either party shall be submitted to the court on or before September 26, 2018. Suggested questions of either party to be asked of the jury by the court on voir dire shall be submitted to the court on or before September 26, 2018.

This order has been approved by the parties as evidenced by the signatures of their counsel. This order shall control the subsequent course of the action unless modified by a subsequent order. This order shall not be amended except by order of the court pursuant to agreement of the parties or to prevent manifest injustice.

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DATED this ___ day of September, 2018.

RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE

FRANK FREED SUBIT & THOMAS

/s/ Beth Barrett Bloom

Beth Barrett Bloom, WSBA #31702

/s/ Anne E Silver.

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Attorneys for Defendants
SEATTLE AUTO MANAGEMENT, INC.
AL MONJAZEB

CERTIFICATE OF SERVICE

I, Kathleen Kindberg, certify and state as follows:

1. I am a citizen of the United States and a resident of the state of Washington; I am over the age of 18 years and not a party of the within entitled cause. I am employed by the law firm of Frank Freed Subit & Thomas LLP, whose address is 705 Second Avenue, Suite 1200, Seattle, Washington 98104.

2. I caused the foregoing document to be served upon counsel of record at the address and in the manner described below, on September 19, 2018.

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☐ U.S. Mail
☐ ABC Legal Messenger
☐ Facsimile
☒ E-Mail
☐ Via CM/ECF

Attorneys for Defendants

I hereby declare under the penalty of perjury of the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington on this 19th day of September, 2018.

/s/ Kathleen Kindberg
Kathleen Kindberg